

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant

Lead case: 1:19-cv-977-ADA

JURY TRIAL DEMAND

**PLAINTIFF INTEL CORPORATION'S NOTICE OF SUBSEQUENT DEVELOPMENTS
IN CONNECTION WITH ITS MOTION FOR LEAVE TO FILE AMENDED ANSWER,
DEFENSES, AND COUNTERCLAIMS AND TO SEVER AND STAY DEFENSE OF
LICENSE**

Plaintiff Intel Corporation ("Intel") submits this notice of subsequent developments relating to its Motion for Leave to File Amended Answer, Defenses, and Counterclaims to add the affirmative defense of license, and to Sever and Stay this defense ("Motion to Amend"), D.I. 425-01.

Intel filed its Motion to Amend in this case and the -299 case¹ on February 2, 2021. *Id.* Intel had previously Moved to Amend its Answers and Defenses in the first of VLSI's actions against Intel in this Court on November 10, 2020 (*see* D.I. 349). These motions remain pending.

On January 11, 2021, after completing the contractually required dispute resolution process, Intel filed a Complaint in the Delaware Court of Chancery against VLSI Technology LLC ("VLSI"), among others, for equitable and other relief relating to its license rights. *See Intel Corporation v. Fortress Investment Group et al.*, No. 2021-0021-MTZ (Del. Ch. Ct.). Defendants

¹ The -299 case was previously consolidated with this case under Case No. 1:19-cv-00977.

in that case moved to dismiss on March 10, 2021, and Vice Chancellor Zurn of the Court of Chancery held a hearing on these motions on May 5, 2021. Vice Chancellor Zurn has not yet issued an opinion or order on the motions to dismiss.

On February 2, 2021, Intel further Moved to Amend its Answer and Defenses in the patent infringement litigation VLSI brought against Intel in the District of Delaware. *See VLSI Technology LLC v. Intel Corporation*, No. 1:18-cv-966-CFC (Feb. 2, 2021 D. Del.) D.I. 701 (redacted version). Magistrate Judge Hall of the District of Delaware held a hearing on Intel's motion on July 6, 2021. At this hearing, Magistrate Judge Hall of the District of Delaware granted Intel's Motion to Amend its Answer and Counterclaims to add the affirmative defense of license. Rejecting VLSI's arguments, Magistrate Judge Hall found that Intel's license defense is not futile. An excerpted copy of the July 6, 2021 hearing transcript is attached as Exhibit 1.

Dated: August 2, 2021

Respectfully submitted,

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/s/ J. Stephen Ravel

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on August 2, 2021.

/s/ J. Stephen Ravel